

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15088 of Elmer K. Powell, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1) for the proposed construction of a dwelling in an R-1-B District at premises 5924 Chillum Place, N.E., (Square 3715, Lot 804).

HEARING DATE: September 13, 1989
DECISION DATE: September 13, 1989 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Charles R. Norris, Lloyd D. Smith, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: September 22, 1989

ORDER

The Board granted the application by its Order dated September 22, 1989. By letters dated April 5, 1990, the applicants requested the Board to waive its six month filing requirement and accept a motion for modification of plans. At its public meeting of May 2, 1990, the Board waived its Rules and accepted the request for modification of plans.

The requested modification of plans would result in reconfiguring the approved footprint of the proposed dwelling 180 degrees. The proposed reconfiguration is necessitated by the topographical conditions of the site. There will be no change in the design and dimensions of the proposed dwelling. No additional zoning relief is required. There was no opposition to the proposed modification of plans.

Upon review of the request for modification of plans and the evidence of record, the Board concludes that the proposed modification to the plans previously approved by the Board is a minor deviation and does not result in any change in the size, shape or design of the structure. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modified plans.

It is therefore ORDERED that the modification of plans is APPROVED and that the layout of the building shall be as shown on the plat marked as Exhibit No. 21B of the record.

In all other aspects the Order of the Board dated September 22, 1989 shall remain in full force and effect.

DECISION DATE: May 2, 1990

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to approve; Lloyd D. Smith not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 25 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15088order/BHS20

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15088

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAY 25 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Elmer K. & Pauline H. Powell
4920 Fort Totten Drive, N.E., #1
Washington, D.C. 20011

Thomas J. Houston, Chairperson
Advisory Neighborhood Commission 4-B
7826 Eastern Avenue, N.W., LL16
Washington, D. C. 20012

A handwritten signature in dark ink, appearing to read "EL Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: MAY 25 1990